



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY  
MIKE STRAIN DVM  
COMMISSIONER



HORTICULTURE COMMISSION MEETING

December 4, 2008

9:00 a.m.

Veterans Memorial Auditorium  
5825 Florida Boulevard  
Baton Rouge, LA 70806  
Minutes

**Agricultural &  
Environmental  
Sciences**

P.O. Box 3596  
Baton Rouge,  
LA 70821  
(225) 925-9770  
Fax: 925-3760

**Agro-Consumer  
Services**

P.O. Box 3098  
Baton Rouge,  
LA 70821  
(225) 922-1341  
Fax: 923-4877

**Animal Health  
Services**

P.O. Box 1951  
Baton Rouge,  
LA 70821  
(225) 925-3962  
Fax: 925-4103

**Forestry**

P.O. Box 1628  
Baton Rouge,  
LA 70821  
(225) 925-4500  
Fax: 922-1356

**Management  
& Finance**

P.O. Box 3481  
Baton Rouge,  
LA 70821  
(225) 922-1255  
Fax: 925-6012

**Marketing**

P.O. Box 3334  
Baton Rouge,  
LA 70821  
(225) 922-1277  
Fax: 922-1289

**Soil & Water  
Conservation**

P.O. Box 3554  
Baton Rouge,  
LA 70821  
(225) 922-1269  
Fax: 922-2577

**CALL TO ORDER**

The hearing was called to order by Mr. Bass at 9:10 a.m.

**ROLL CALL**

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Harold Tani, Van Cox, Stephen Hoover, Mike Rome, Rusty Ruckstuhl, Randall Harris and Bill Fleming.

Members absent: Rob Barry, Donald Kelley, and Roger Mayes.

A quorum was present.

Others present: Murphy Bell, Commissions' Attorney; Linsey Hunter, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Ruby Bolding, LDAF; and Fran Bellington, LDAF.

**APPROVAL OF MINUTES**

**Motion:** Mr. Cox made a motion to approve the minutes from the June 12, 2008 hearing. This motion was seconded by Mr. Parker and passed unanimously.

**SET NEXT HEARING DATE**

The next Horticulture Commission meeting will be Thursday, March 5, 2009 at 9:00 a.m. in the Veterans Memorial Auditorium.

**OLD BUSINESS**

Mr. Bell explained that Mr. Vallaire's case, which is one of the cases that we have been continuing, will be dismissed due to the law changing this past legislative session.

**REINSTATEMENT REQUESTS**

Mr. James Grimley requested to be placed on the agenda to ask for reinstatement of his Landscape Contractor license; he did not appear.

Ms. Dana Porche requested to have her Retail Florist license reinstated. She was not present because she lives in Florida. Ms. Porche faxed a letter to Mr. Rankins and asked that he present her documentation to the Commission for her. **Motion:** Mr. Cox made a motion to reinstate Ms. Porche's license. This motion was seconded by Mr. Parker and passed unanimously.

Ms. Martha Perry requested to have her Retail Florist license reinstated. **Motion:** Mr. Tani made a motion to reinstate Ms. Perry's license. This motion was seconded by Mr. Cox and passed unanimously.

Ms. Mary Decoteau requested to have her Retail Florist license reinstated. **Motion:** Mr. Fleming made a motion to reinstate Ms. Decoteau's license. This motion was seconded by Mr. Rome and

passed unanimously.

## **HEARING**

### **CONTINUED CASES**

Jesse James  
d/b/a Jesse James Tree Service  
P. O. Box 767  
Abita Springs, LA 70420

Case No.: 08-004

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Stipulation received. **Motion:** Mr. Cox made a motion to accept the stipulation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$250.00. **Motion:** Mr. Cox made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously.

Adrian Juttner  
d/b/a Adrian's Tree Service  
2031 Farragut Street  
New Orleans, LA 70114

Case No.: 08-010

One violation of LAC 7:XXIX § 117e (9) for failure to follow required standards (arborist) of practice.

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (horticulture service) without the proper license.

Mr. Juttner was present. **Motion:** Mr. Parker made a motion to find Mr. Juttner guilty. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$500.00. **Motion:** Mr. Harris made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously.

### **New Cases**

Dave Kretser  
d/b/a Dave's Tree Service  
24575 Joni Lane  
Denham Springs, LA 70726

Case No.: 08-011

Seven violations of L.R.S. 3:3804 (C) for advertising, engaging and soliciting in a regulated profession (arborist) without the proper license.

Mr. Kretser was not present but the department proceeded because service was effected. **Motion:** Mr. Harris made a motion to find Mr. Kretser guilty. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,750.00. **Motion:** Mr. Harris made a

motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

Brenda Anacolade  
2108 Swan Street  
Slidell, LA 70460

Case No.: 08-012

One violation of L.R.S. 3:3804 (C) for accepting fees in a regulated profession (landscape contractor) without the proper license.

Case continued.

Lee L'Hommedieu  
Working for Sibley Tree Service  
28525 Saucier Road  
Holden, LA 70744

Case No.: 08-013

One violation of L.R.S. 3:3908 (C) for engaging in a regulated profession (arborist) without the proper license.

Mr. L'Hommedieu was present. **Motion:** Mr. Hoover made a motion to find Mr. L'Hommedieu guilty. After discussion, he withdrew his motion. **Motion:** Mr. Fleming made a motion to find Mr. L'Hommedieu guilty, but to suspend the new charge provided Mr. L'Hommedieu pays off his previous fines totaling \$1,500.00, as long as there are no further violations within one year. If there are any further violations, then \$1,000.00 would be added to his balance. This motion was seconded by Mr. Cox and passed unanimously.

At 10:45 a.m. Mr. Parker had to leave the meeting to attend another meeting.

At 11:07 a.m. a recess was called because the computer system went down. The meeting was called back to order at 11:22 a.m. with a quorum present. Mr. Parker also returned at 11:22 a.m.

Minnie Sibley  
d/b/a Sibley Tree Service  
42186 Sibley Road  
Ponchatoula, LA 70454

Case No.: 08-013

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Stipulation received. **Motion:** Mr. Hoover made a motion to accept the stipulation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00. **Motion:** Mr. Hoover made a motion to accept the recommendation. This motion was seconded by Mr. Parker and passed unanimously.

Jarrold Clement  
Clement's Lawn & Landscape  
9617 Old Jeanerette Road  
Jeanerette, LA 70544

Case No.: 08-014

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (landscape irrigation contractor) without the proper license.

Stipulation received. **Motion:** Mr. Ruckstuhl made a motion to accept the stipulation. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$250.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommendation. This motion was seconded by Mr. Cox and passed unanimously.

George Garza  
d/b/a Lawns, Palms & Stones Etc.  
400 E. Sallier Street  
Lake Charles, LA 70601

Case No.: 08-015

Two violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape contractor & landscape irrigation contractor) without the proper license.

Mr. Garza was not present but the department proceeded because service was effected. **Motion:** Mr. Fleming made a motion to find Mr. Garza guilty. This motion was seconded by Mr. Ruckstuhl and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$500.00. **Motion:** Mr. Fleming made a motion to accept the recommendation. This motion was seconded by Dr. Owings and passed unanimously.

Chris Loyd  
d/b/a SAC Property Management  
P. O. Box 342  
Folsom, LA 70437

Case No.: 08-016

Four violations of L.R.S. 3:3804 (C) and one violation of L.R.S. 3:3804 (D) for advertising in the regulated professions and permit (arborist, landscape contractor, landscape architect, landscape irrigation contractor and nursery stock dealer) without the proper license.

Stipulation received. **Motion:** Mr. Parker made a motion to accept the stipulation. This motion was seconded by Mr. Cox and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,250.00. **Motion:** Mr. Cox made a motion to accept the recommendation. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Kelvin Miller  
d/b/a Westbank Lawns, Inc.  
412 Oak Road  
Belle Chasse, LA 70601

Case No.: 08-018

Two violations of L.R.S. 3:3804 (C) for engaging and advertising in a regulated profession (arborist) without the proper license. Mr. Miller was not present but the department proceeded because service was effected. Charge 2 was dismissed. **Motion:** Mr. Hoover made a motion to find Mr. Miller guilty. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$500.00 because this is his

second time to be brought before the commission. **Motion:** Mr. Harris made a motion to accept the recommendation. This motion was seconded by Mr. Fleming and passed unanimously.

Warren Ryan  
d/b/a A.A.A. Excavators, LLC  
102 Oakmont  
LaPlace, LA 70068

Case No.: 08-019

Nine violations of L.R.S. 3:3804 (C) for soliciting and advertising in a regulated profession (landscape architect, landscape irrigation contractor and arborist) without the proper license.

Mr. Warren was present. **Motion:** Mr. Parker made a motion to find Mr. Ryan guilty. This motion was seconded by Mr. Cox and passed unanimously. Eight members voted in favor of the motion and two members voted against it, motion carried. Recommended penalty of \$250.00 per violation for a total fine of \$2,250.00. **Motion:** Mr. Cox made a motion to suspend one half of the total fine, as long as there are no further violations within one year, for a total fine of \$1,125.00. This motion was seconded by Mr. Harris and passed unanimously.

## **NEW BUSINESS**

### **Adoption of Notice of Intent - Retail Florist Exam Regulations**

**Motion:** Mr. Rome made a motion to publish the Notice of Intent regarding regulations for the retail florist exam. This motion was seconded by Mr. Fleming and passed unanimously.

### **Approval of Notice of Intent - Landscape Horticulturist Regulations**

**Motion:** Mr. Harris made a motion to publish the Notice of Intent regarding landscape horticulturist regulations. This motion was seconded by Mr. Parker and passed unanimously.

### **Adopt as a Final Rule - Enforcement, Stop Orders, Notice of Non-Compliance**

**Motion:** Mr. Parker made a motion to adopt the final rule regarding enforcement, stop orders and notice of non-compliance. This motion was seconded by Mr. Harris and passed unanimously.

## **PUBLIC COMMENTS**

None.

## **ADJOURNMENT**

**Motion:** Mr. Harris made a motion to adjourn at 12:30 p.m. This motion was seconded by Mr. Parker and passed unanimously.